

Ontario
Human Rights
Commission

Commission
ontarienne des
droits de la personne



ANNUAL REPORT

2000-2001

Ontario Human Rights Commission
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**Ontario Human
Rights Commission**

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June, 2001

Honourable Cam Jackson
Minister of Citizenship
6th Floor, 400 University Avenue
Toronto, Ontario
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Dear Minister:

Pursuant to Section 31(1) of the *Ontario Human Rights Code*, it is my pleasure to provide to you the Annual Report of the Ontario Human Rights Commission for the fiscal year 2000 – 2001, for submission to the Legislative Assembly of Ontario.

This report reflects the activities of the Commission to March 31, 2001.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Norton".

Keith C. Norton, Q.C., B.A., LL.B
Chief Commissioner



I am pleased to report on the work of the Ontario Human Rights Commission for the fiscal year 2000 - 2001.

This year, for the fifth year in a row, the Commission closed more cases (1,941) than it opened (1,775). Through the use of effective caseload management including voluntary mediation, the average age of cases is now 10.4 months; the median age is seven months.

Reducing the size of the caseload has allowed Commission staff to pursue public policy initiatives and programs with greater vigour. This year, the Commission unveiled a major public education campaign in conjunction with its updated *Policy on Discrimination Because of Pregnancy*. The posters underscored the right of women to nurse their babies in public or the workplace, or rather, reinforced the right of babies to be fed in public.

The Commission also released a new *Policy and Guidelines on Disability and the Duty to Accommodate* that replaces a set of guidelines established in 1989. It incorporates critical thinking from academics, the courts and adjudicators across the country. The Commission also released the following policies:

- the updated *Policy on Drug and Alcohol Testing*,
- the updated *Policy on Female Genital Mutilation*, and
- the new *Policy on Discrimination and Harassment because of Gender Identity*, which highlights the need for society to recognize the rights of transgendered persons.

The Commission attracted public and media attention with its Discussion Paper, *Discrimination and Age: Human Rights Issues Facing Older Persons in Ontario*. By the year 2021, there will be over three million Ontarians over the age of 65. Regrettably, there is a general perception that discriminating on the basis of age is a lesser form of discrimination and not really a serious issue. The Commission does not agree and by the response of the participants during the public consultations held last Fall, this is an issue that will inform future policy work.

The Commission also entered into new partnerships and strengthened existing relationships with the private and non-profit sectors for the production of important educational resources including a new compendium of Commission policies and a video on racism. We are also proud of the partnership we have

formed with Ontario's Aboriginal communities to work together to increase awareness of the Ontario *Human Rights Code* and the Commission's work.

And finally, I want to express my gratitude to the dedicated and hard-working staff of the Commission without whom the progress we have made these past few years would not have been possible.

A handwritten signature in black ink, appearing to read 'KCN', written in a cursive style.

Keith C. Norton, Q.C., B.A., LL.B.
Chief Commissioner

ABOUT THE COMMISSION

The Ontario Human Rights Commission (the "Commission") is an arm's length agency of government, accountable to the Legislature of Ontario through the Minister of Citizenship. The Commission's principal functions are set out in the Ontario Human Rights Code (the "Code") and include the investigation and settlement of human rights complaints. Under the Code, the Commission's work also includes promoting human rights and public awareness.

POLICY AND EDUCATION BRANCH

PROMOTION AND AWARENESS OF HUMAN RIGHTS

POLICY DEVELOPMENT

In keeping with its mandate to promote greater understanding of human rights and encourage research to eliminate discriminatory practices, the Commission undertook a number of policy development initiatives in 2000-2001.

The Commission held public meetings and issued discussion papers to the public and media on emerging human rights policy areas. New policies were introduced and several policies were updated. The Commission also embarked on a major public education campaign.

The Commission's policies and guidelines are approved public statements that set out the Commission's interpretation of specific provisions of the *Code*. The purpose of these policies and guidelines is to help Commission staff, members of the public and those involved in human rights work to interpret and understand how the *Code* is applied.

Highlights of the past year are outlined below.

Age Discrimination

The Commission undertook significant work in the area of age discrimination. The Chief Commissioner noted that there appears to be a general acceptance that discriminating on the basis of age is less offensive than discrimination on the grounds of race or sex. As the population of the province is aging, this is becoming an important human rights issue. In July 2000, the Commission

released a Discussion Paper entitled *Discrimination and Age: Human Rights Issues Facing Older Persons in Ontario*.

The Paper identifies trends and critical issues related to age and makes recommendations to promote the human rights of older persons. Currently, age is cited as a ground in nine per cent of complaints received by the Commission, a majority of which arise in the employment context. The Paper also raises the issue of mandatory retirement and suggests that older workers, who choose to work after the age of 65 and are able to do so, should have the benefit of human rights protections. The release of this Paper fulfills a commitment made in 1999 to undertake research and policy development on age discrimination.

Response to the Discussion Paper was so positive that the Commission decided to launch province-wide consultations on human rights issues facing older persons.

As a framework for the Consultations, the Commission released a Consultation Paper entitled *The Changing Face of Ontario: Discrimination and our Aging Population*. The Paper sets out specific issues on which the



Commission sought input such as access to health care, social services, housing and protection for older workers. Interested individuals and organizations were invited to provide written submissions. In the late Fall, the Commission held public consultation sessions in London, Toronto, Ottawa and Sudbury. Members of the public participated and made submissions on human rights issues facing older persons. The Commission's efforts in this area generated intense public and media interest.

Disability

This year, the Commission worked on several major initiatives related to disability rights. Forty per cent of complaints filed with the Commission are from persons with disabilities. Studies show that persons with disabilities continue to experience widespread and endemic discrimination in all aspects of their daily lives.

In the past fiscal year, the Commission released three key documents as a starting point to address the issue of disability.

Policy on Drug and Alcohol Testing:

In 2000-2001, the Commission updated its *Policy on Drug and Alcohol Testing* to reflect the Ontario Court of Appeal's recent decision in *Entrop v. Imperial Oil Ltd.* This was a human rights case involving the introduction of a workplace policy implementing random drug and alcohol testing. It required employees in safety-sensitive positions to disclose a past or current substance abuse problem.

The Commission's revised Policy incorporates the Court's rulings on a number of issues. It includes the legal confirmation that both drug and alcohol dependencies are disabilities within the meaning of the *Code*. The Policy also sets out guidelines on the use of drug and alcohol testing, including the requirements surrounding pre-employment drug testing, random drug testing, random alcohol testing, the use of breathalyzers, required disclosures of past substance abuse problems and automatic reassignment or termination.

Policy and Guidelines on Disability and the Duty to Accommodate:

Many employers and other organizations have little understanding of their legal obligations under the *Code*. In March 2000, the Commission released its *Policy and Guidelines on Disability and the Duty to Accommodate*. This Policy replaces the previous set of guidelines established in 1989. In launching the new Policy, the Chief Commissioner emphasized that all parties involved – employers, corporations and individuals – need to work together and take the appropriate action to accommodate the needs of persons with disabilities.

The new Policy creates a framework for promoting and clarifying the rights of persons with disabilities to ensure that they can be full and vital participants in community life and in the workplace. The development of the new Policy was based on consultations with over 150 stakeholders, including persons with disabilities, advocacy groups, employers, service providers and associations. The final document is the result of an extensive review process of existing Commission standards and the many submissions it received.

Key elements include:

- a focus on the dignity of the person and on the person's full integration and participation in society;
- the obligation to design programs and facilities with persons with disabilities in mind;

- specific recognition of the rights of persons with non-evident disabilities, including mental disabilities;
- guidance for employers and unions, including how to handle return-to-work situations and access to alternative jobs; and
- a high standard for meeting the requirements of the *Human Rights Code* and for accommodating persons with disabilities.

The Commission's follow-up work over the next fiscal year will involve consulting with the public to develop workplace guides in plain language for both employers and employees. It will also initiate consultations on disability in the education sector.

Discussion Paper on Public Transit Accessibility:

The Commission released the *Discussion Paper on Accessible Transit Services in Ontario*. The Paper analyzes the accessibility of transit systems in Ontario and the obligations transit service providers have under human rights law. Access to public transit services is an important human rights issue. When persons with disabilities, older persons and families with young children cannot use their local public transit system, they are effectively prevented from participating in community life.

The Paper follows a survey conducted in July 1999 on the accessibility of transit systems in Ontario. The survey revealed several gaps in the accessibility of mainstream transit systems and major discrepancies in the level of paratransit services across the province. In the Toronto area, entire portions of the transit system are completely inaccessible including Toronto Transit Commission (TTC) streetcars, most GO transit buses and the majority of subway stations. The current situation shows that more work needs to be done in this area.

Throughout the Spring of 2001, the Commission continued to solicit written submissions from individuals and organizations regarding the issues raised in this Paper. This will form part of the Commission's work over the coming year.

As part of the Commission's new approach to disability rights, six cases were sent to the Board of Inquiry challenging the lack of accessibility to the transit services in Hamilton, Ontario. The six cases are complaints by two people who have limited mobility and cannot use the regular public transit system. Yet, because of the uneven route schedules and restrictive eligibility criteria, they are also limited in using the paratransit system designed and maintained for people with disabilities.

Aboriginal Human Rights Initiative

In the fiscal year 2000-2001, the Commission undertook a key initiative relating to Aboriginal peoples. Historically, Aboriginal persons in Ontario have filed relatively few human rights complaints, many Aboriginal communities have little experience with the provincial human rights process and are either unaware of the Commission's services or its ability to serve Aboriginal interests. Others view the human rights process as unresponsive or irrelevant to the needs of Aboriginal persons.

The goals of the initiative are to create and enhance awareness among Aboriginal communities of the *Code*, to develop appropriate and culturally sensitive ways to enable members of these communities to access the Commission's services, and to develop a continuing presence within Aboriginal communities and organizations.

Two Aboriginal organizations, *Grand River Employment and Training* and the *Ontario Federation of Indian Friendship Centres* are involved in the development and delivery of this project.

First Phase of the Initiative:

The first phase involved consultations with 37 Aboriginal organizations across the province, many of which had little or no knowledge of the Commission and its work. In addition, over 80 percent of the organizations cited significant discrimination in housing for their off-reserve clients. Unequal treatment was also cited in the areas of policing, health, social services and legal services.

The high rate of discrimination in housing among the Aboriginal community members contrasts significantly with the experiences of Ontario's general population. For example, at the Commission, three quarters of the complaints it receives occur in the area of employment. Yet, in the Aboriginal communities, employment discrimination is lower down on the list of Aboriginal human rights issues. Such information reinforces the need for this initiative in order for the Commission to appropriately respond to the unique human rights issues faced by Aboriginal Ontarians.

Racism, levels of literacy and a general mistrust of non-Aboriginal institutions were identified as key barriers that prevent Aboriginal persons from using the Commission's services. In addition, the lack of visibility and accessibility of the Commission within the Aboriginal community is a main reason why Aboriginal people are not accessing the Commission's existing programs. The

report on the first phase also includes a number of important recommendations of measures that the Commission can take to increase its presence in the Aboriginal communities.

Second Phase of the Initiative:

The Commission is proceeding with the second phase of this project over the coming fiscal year, which will involve training workshops, public education programs and a pilot community-based awareness campaign program.

Gender Identity

Following the release of a Discussion Paper on gender identity in October 1999, the Commission developed a formal policy that addresses the issue of human rights for transgendered people. These are people who do not identify or reject in whole or in part their birth-assigned gender identity.

The *Policy on Discrimination and Harassment because of Gender Identity* outlines the major barriers and issues transgendered people encounter. It also confirms that transgendered people have the right to equal treatment without discrimination under the *Code* on the ground of sex. The Policy is based on research, community consultations and interviews and seeks to dispel stereotypes and myths that foster discrimination and harassment of the transgendered.

Policy on Female Genital Mutilation (“FGM”)

FGM is the practice of female genital mutilation which has been recognized as a human rights issue under international law, and also as a health hazard and a form of violence against women and girls. The Commission’s Policy was updated with the addition of a new section that reflects recent developments under the *Ontario Child and Family Services Act*. It now includes a duty to report information with respect to a child who is in need of protection and references amendments under the *Criminal Code* that define the performance of FGM as aggravated assault.

PUBLIC EDUCATION

The Commission developed a new three-year Public Education Strategy that sets out its public education activities for the years 2000-2003. Entitled, *Getting the Message Out*, the strategy supports the Commission's mandate under the *Code* to promote and advance awareness of human rights through visible and effective public education. Community partners and stakeholders were invited to provide input into the strategy.

The use of thematic campaigns as an important public education vehicle is a key part of the strategy. In addition, the three-year strategy commits the Commission to developing and enhancing partnerships (public, private and not-for-profit) and highlights the need for a plan that will promote effective relations with various stakeholders.

The Commission also redesigned its Web site (www.ohrc.on.ca) in March 2001. The new site is more user-friendly and accessible and offers information on the complaint process, Commission's policies and publications and case summaries.

Events & Presentations

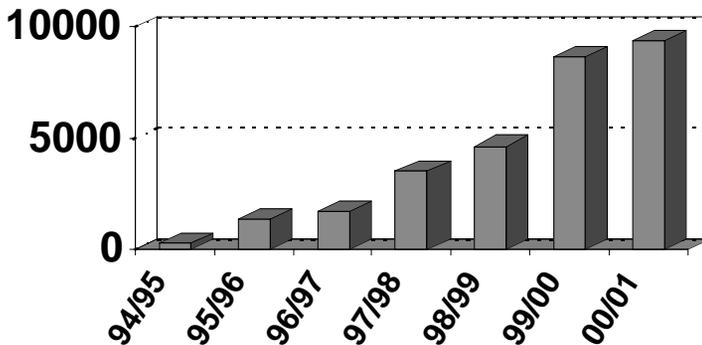
For the sixth consecutive year, a larger audience has been present at events either sponsored by or involving the Commission.

During the 2000-2001 fiscal year, Commission staff participated in 103 public education events involving over 9,300 individuals.

In its ongoing efforts to maintain a high standard of excellence, the Commission instituted a process for evaluating its public education sessions. Using a standard evaluation form, participants were asked to evaluate the expertise of the presenters, effectiveness of the materials and the usefulness of the information presented on a scale of one to five. Eighty per cent of participants gave the Commission's presentations four or five for excellence. This ongoing feedback will be used to improve the Commission's expertise in delivering presentations.

The Chief Commissioner made keynote presentations at the Annual General Meeting of the *Ontario Association for Community Living*, *Lancaster House Publishing* and the conference, *Diversity Update 2001*. He also spoke at legal conferences, law schools, and elementary and secondary schools.

Number of Persons Reached in Public Education



Outreach

The Commission's public face was visible at a number of community festivals and fairs, notably, the Ajax Multicultural Festival, Toronto's Lesbian and Gay Pride Day and the JobsMART for Persons with Disabilities. At each event, the Commission provided a portable display unit that highlights its work and Commission staff members who answered questions and distributed information. The Commission's participation at these events is always well received.

Partnerships

The Commission launched a province-wide campaign in partnership with the Infant Feeding Action Coalition (INFACT) Canada and Toronto Public Health to promote children's health and breastfeeding as human rights issues. The campaign featured an ad that appeared on municipal transit vehicles across the province and a platform poster that was displayed in high traffic subway stations in Toronto.

The advertisements were designed to help eliminate discriminatory practices against mothers and children. They also supported the Commission's mandate to increase awareness of human rights and protections for women under the

Code. The campaign was part of the Commission's ongoing work to protect women from discrimination during pregnancy and breastfeeding.

The Commission has developed a strong alliance with the *Human Resources Professionals Association of Ontario* (HRPAO). This relationship continues to grow. During the 2000 – 2001 fiscal year, Commission staff participated in a full day educational conference for HRPAO members on Human Rights in the Workplace, took



part in the HRP AO Annual Conference and addressed a provincial meeting of HRP AO chapter presidents. The Commission has since made presentations to groups sponsored by HRP AO chapters in Kingston and Halton.

The Commission entered into a new partnership with CCH Canadian Limited to produce a revised version of *Human Rights Policy in Ontario*, the compendium of all new and revised policies released by the Commission. These policies will continue to be posted on the Commission's Web site (www.ohrc.on.ca) in order to be freely accessible to the general public.

The Commission also began a project with the Canadian Race Relations Foundation (CRRF) and a number of other partners to develop a training video and study guide dealing with racism which will serve as a useful tool in schools and workplaces. This project was an outgrowth of the CRRF's earlier campaign *See People for Who They Really Are: Unite Against Racism* during which it produced several short public service announcements featuring Canadian artists and aired them on Canadian television networks.

In the 1999-2000 Annual Report, reference was made to a multilingual plain language *Complainant's Guide* that was being developed in partnership with the *Council of Agencies Serving South Asians* (CASSA). This brochure was completed during this past year and is available in the following languages: Hindi, Tamil, Punjabi, Gujarati, Urdu and Bengali as well as in English and French.

NATIONAL AND INTERNATIONAL INITIATIVES

Ontario Submissions

The Commission provides input from the province's perspective to reports prepared by Canada in accordance with Canada's obligations under international conventions. The Commission highlights relevant legislative, judicial and administrative policies, programs and activities during the given reporting period as they relate to particular articles in the respective conventions. During the past fiscal year, the Commission prepared comments for consideration in two reports:

- *Canada's Fifth Report on the Convention on the Elimination of All Forms of Discrimination against Women;*
- *Canada's Fourth Report under the International Covenant on Social, Economic and Cultural Rights.*

Canadian Association of Statutory Human Rights Agencies (CASHRA)

Staff representing all the human rights commissions in Canada who perform public education functions, meet regularly by teleconference to share information and plan new projects. Working with this network, the Commission led the development of a human rights poster. This poster was launched at CASHRA at its Annual Conference in Banff. The poster features the slogan “Human Rights are Everyone’s Business/Les Droits de la personne, c’est l’affaire de tout le monde”. The poster is being used by each of the commissions as a public education tool.

International Delegations and Visitors

The Commission’s involvement in international human rights continued to play a part in its work last year. It hosted representatives from human rights commissions and related agencies and groups from the following countries: Republic of Korea, Thailand, Jiangsu Province (China), Malawi, Norway, Uganda and Northern Ireland. In addition, Commission staff addressed two international conferences, one on Public Ethics and another on Law.

C O R P O R A T E I N I T I A T I V E S

The past year’s results show that the Commission is now better positioned than ever before to meet the challenges of its mandate: it has a current caseload, an all-time high in public education activities and some recent high profile policy initiatives have received very favourable public reaction. Both its community partners and government have acknowledged and recognized the progress that the Commission has made in its work.

In the Fall of 2000, the Commission engaged in a consultation process with staff and its external stakeholders including key provincial government ministries and agencies about its strategic directions for the 2001-2003 period. This process has clarified expectations and given important insights into the need for the Commission to continue to deliver on an increasingly wide range of human rights issues and activities. Over the next year, the Commission will be moving forward on implementing initiatives that support its established strategic objectives.

LEGAL SERVICES BRANCH

During the 2000-2001 fiscal year, the Legal Services Branch received the following: 11 Board of Inquiry decisions, 12 judicial review decisions, 9 appeal decisions and six Supreme Court of Canada decisions (five applications for leave to appeal dismissed; one successful intervention).

At the end of the 2000-2001 fiscal year, the ongoing litigation in the Legal Services Branch comprised: 94 Board of Inquiry files, nine judicial reviews, seven appeals and one case at the Supreme Court of Canada.

The following are highlights of some of the significant decisions and cases over the past year.

APPEALS

Blencoe v. British Columbia (Human Rights Commission)

Supreme Court of Canada (Intervention) Decision: October 5, 2000

Robin Blencoe, the respondent to several human rights complaints of sexual harassment in 1995, had successfully argued before the British Columbia Court of Appeal that the two-year delay in processing the complaints violated his right to life, liberty and security of the person under section 7 of the *Canadian Charter of Rights and Freedoms (Charter)*, and that a stay of the proceedings against him was an appropriate remedy. The Supreme Court of Canada held that the appropriate remedy for the abuse of process was not a stay but rather an order for an expedited hearing.

Current status: The Supreme Court of Canada set aside the decision of the British Columbia Court of Appeal. The British Columbia Human Rights Tribunal proceeded with the hearing of the complaints on their merits.

Entrop v. Imperial Oil

Ontario Court of Appeal Decision: July 21, 2000

Martin Entrop had been employed by Imperial Oil Limited for 18 years when the company's new "Alcohol and Drug Policy" came into effect. In accordance with the policy, Entrop was required to disclose that, some years before, he had

had an alcohol problem. As a consequence of this forced disclosure, Entrop was removed from his safety-sensitive job to a less desirable job. He was later reinstated but found himself subjected to more rigorous management supervision than before his disclosure. He was also required to make frequent declarations as to his sobriety in order to keep his job. Entrop filed a complaint with the Commission alleging that he had been discriminated against on the basis of a handicap and that he had been subject to reprisal.

Result at Board of Inquiry: In a series of separate decisions, the Board made a number of rulings. The key decision was the Board's determination that the drug-testing programs employed by Imperial Oil had the effect of discriminating against persons who were substance abusers on the basis of their handicap or perceived handicap.

Result at the Court of Appeal: The Court held that in cases of adverse affect discrimination, the unified approach and the three-step test adopted by the Supreme Court of Canada in *Meiorin* should be applied. The three-step test requires that:

- i) the rule is rationally justified;
- ii) the rule is *bona fide*; and
- iii) the standard is reasonably necessary to the accommodation of that legitimate work-related standard.

To succeed on the last step, an employer must prove that accommodation is impossible or will cause undue hardship.

The Court also confirmed that substance abuse is a handicap and thus the policy was *prima facie* discriminatory. The drug testing provision violated the *Code* because it could not accurately measure impairment. The Court held further that random alcohol testing would not satisfy the *Meiorin* test unless Imperial Oil took steps to accommodate those who tested positive, including less severe sanctions than dismissal and providing the necessary support to permit treatment. Finally, the Court held that the requirement of disclosure of a past abuse problem was unreasonable.

Current status: The decision was not appealed.

McKenzie Forest Products Inc. v. Tilberg **Ontario Court of Appeal Decision: April 18, 2000**

The facts and history of this case were noted extensively in the Ontario Human Rights Commission Annual Report 1999 – 2000, pp 21 & 22.

The Commission referred Adam Tilberg's complaint to the Board of Inquiry but withdrew from the proceedings after mediation that resolved the public interest issues between McKenzie Forest Products and the Commission. However, Tilberg wanted his complaint to be heard by the Board of Inquiry. McKenzie sought to have the complaint dismissed. The company argued that since the Commission had withdrawn, the Board was without jurisdiction to proceed.

Result in Court of Appeal: The Court held that an individual could continue with a hearing of a complaint, even though the Commission was no longer taking part.

Current status: The Divisional Court decision was set aside and the matter was remitted back to the Board for further hearing. An application for leave to appeal to the Supreme Court of Canada was dismissed November 9, 2000.

OHRC v. Mr. A, et al. Ontario Court of Appeal Decision: November 14, 2000

Complainant A was an employee of D Ltd. B was vice-president and manager of D Ltd. He was A's direct supervisor, and also A's wife's brother (i.e. A's brother-in-law). D Ltd. was owned by C, who was also a brother of A's wife.

A worked for D Ltd. for 26 years without incident. Just prior to the termination of his employment, his daughter told him and his wife that she had recently uncovered a memory in therapy that B had sexually abused her when she was a child. A's wife and daughter went to confront B (A's wife's brother) at his home. While A had driven his wife and daughter to B's house on that evening, he was not involved in the confrontation. On Monday, A went to work as usual, where B terminated A's employment.

Result at Board of Inquiry: The Board of Inquiry found as a fact that A was able to keep his personal and employment situations separate from each other. The Board then concluded that, in the absence of any other explanation, A was fired because of the actions of his wife and the accusations of his daughter, and that the facts amounted to discrimination based on marital or family status.

Result at Divisional Court: The Divisional Court upheld these factual findings but said that, even though the parties were related through marriage, this case does not amount to discrimination on the basis of family or marital status.

Result on Appeal: The Court of Appeal allowed the Commission's appeal, agreeing that the grounds "family status" and "marital status" must include the particular identity of one's parent, child or spouse.

Current status: The respondents are seeking leave to appeal to the Supreme Court of Canada. Both sides have filed materials, and the parties are now awaiting the Court's decision.

DIVISIONAL COURT

***OHRC v. Shelter Corp.*, Divisional Court Decision: February 1, 2001**

This case dealt with the legitimacy of the landlords' use of rent-to-income ratios in assessing applications, a practice widely used. Landlords require tenant applicants to disclose their income and based on this information, decide whether or not to accept the applicants as tenants.

A longer description of the case is found in the 1998-99 Annual Report, pp. 18-19, Dawn Kearney, JL and Catarina Luis vs. Bramalea et al.

Result at Board of Inquiry: The Board of Inquiry found that the landlords' use of the rent-to-income ratios to screen tenants constituted *prima facie* constructive discrimination against the complainants.

The Board found that the use of such ratios was neither reasonable nor *bona fide*. The Board also found that landlords would not experience any undue hardship if they were to stop using the rent-to-income ratio in assessing prospective tenants. The Shelter Corporation and Creccal Investments Ltd. appealed the Board's decision to the Divisional Court.

Result on Appeal: The Court upheld the findings of the Board of Inquiry that the landlords' use of income criteria was a violation of the *Code*. However, the Court amended the Order of the Board to reflect legislative changes. The Court also held that "there is no ceiling on the amount of general damages".

Current status: Both the complainants and the respondent landlords are seeking leave to appeal on different grounds. The two motions will be heard together.

BOARD OF INQUIRY HEARINGS

Metsala v. Falconbridge Ltd; Kidd Creek Division,* *BI-0210-99

Board of Inquiry Decision: February 15, 2001

Dawn Metsala began working as a clerk with Falconbridge Ltd. in 1972. In 1988, she was promoted to payroll clerk. In early December of 1989, Metsala

asked for a transfer because of the workplace stress and was told she would have to wait for a position to become vacant. On December 11, 1989, Metsala commenced sick leave and was subsequently diagnosed with reactive depression and chronic fatigue. Metsala's long-term disability benefits were cut off on June 30, 1992.

On June 26, 1992, Metsala's doctor completed a certificate of fitness indicating that while Metsala was not fit for her regular job, she was capable of handling a half-day of non-intense office work. From June of 1992 to the end of December in 1993, five clerical positions were filled on a contract basis. The supervisor did not consider these positions appropriate for Metsala and also did not contact her or her doctor in making these determinations.

Result at Board of Inquiry: The Board found that Metsala was treated unequally vis-à-vis other employees when she was not provided with contract work or general clerical duties from June 1992 to the end of December 1993, and then she was required to compete for the position which she ultimately received. This unequal treatment constituted a *prima facie* case of direct discrimination on the basis of handicap.

Falconbridge did not try to discover the true nature of Metsala's medical condition. It did not offer her contract positions because the company held assumptions and stereotypes based on her previous illnesses. In fact, Falconbridge had no objective basis for concluding that she was incapable of fulfilling the work duties. Accordingly, the Board held that Falconbridge could not rely on the defence in the *Code*. Additionally, the company provided no evidence to the Board that supported its contention that it would suffer undue hardship if it accommodated Metsala. Accommodation to an employee requires more than merely investigating whether an employee could perform an existing job.

Current status: The decision of the Board of Inquiry was not appealed and the Commission is taking steps to ensure compliance with the Board order.

***Anderson and O'Neill v. The YMCA of Barrie* Board of Inquiry Decision: December 6, 2000**

The complainants, Ellen Anderson and Lucia O'Neill, complained that while women could become regular members of the Barrie YMCA, they could not buy premium memberships, which were available only to men. The men who belong to the premium membership category are entitled to use a separate facili-

ty with many amenities not available to regular members. There was no comparable facility with similar amenities available to women.

Result at Board of Inquiry: The Board of Inquiry found that the facilities that exist at the Barrie YMCA constitute an infringement of the complainants' rights to be free from discrimination on the basis of sex in the provision of services. The Board order requires that the Barrie YMCA build a women's facility, comparable in size and amenities to its men's premium membership facilities by September 1, 2001.

Current status: The Commission is currently taking steps to ensure compliance with the Board order.

Jeppesen v. Corporation of the Town of Ancaster et al.,

Board of Inquiry Decision: January 2, 2001

The complainant, Mark Jeppesen, was employed with the Ancaster Fire and Emergency Services as a part-time fire fighter in January of 1988. In 1995, Jeppesen was diagnosed with histoplasmosis, an airborne fungal disease that resulted in the loss of central vision in his left eye. In 1997, the Ancaster Fire Department twice advertised for full-time firefighter positions. One of the job requirements of the position was the ability to drive an ambulance, which requires a Class F license.

Due to his vision impairment, Jeppesen was unable to obtain the required license and asked to be accommodated by performing only fire fighting duties. The Ancaster Fire Department refused Jeppesen's request for accommodation, and denied him a job because of his inability to obtain a Class F license.

Result at Board of Inquiry: The Board held that Jeppesen had a handicap under the *Code*. The Board held further that requiring all full-time firefighters to obtain a Class F license, to be able to drive an ambulance, constituted *prima facie* discrimination because it excludes persons with visual disabilities from becoming full-time firefighters. The Board held further that Jeppesen could have been accommodated, short of undue hardship to the Fire Department, by permitting him to perform firefighting and related duties only.

Current status: The parties settled on the question of remedy prior to the Board hearing on this issue. The decision on liability will not be appealed.

MEDIATION AND INVESTIGATION BRANCH

INQUIRY AND INTAKE SERVICES

The Inquiry and Intake Service Unit is the first point of contact for members of the public who need information on filing a human rights complaint. Callers receive basic information on the Commission, how to file a complaint and other information about the human rights process.

During this fiscal year 2000 - 2001, Inquiry and Intake Services received a total of 163,765 telephone calls. Staff responded to 52,848 calls or 81% of the 65,207 callers who opted to speak to an Inquiry Service Representative. On average, calls were responded to within 3.4 minutes. Staff sent out 4,133 intake questionnaires and 2,351 completed intake packages were returned. In this fiscal year, 1,775 formal complaints were filed.

MEDIATION AND INVESTIGATION SERVICES

Of the 1,941 complaints closed this year, 1,219 complaints were mediated, settled, resolved by parties or withdrawn and the Commission made decisions on 722 of these complaints.

The growing use of mediation, by people on each side of a complaint, is the principal reason the Commission has significantly reduced its caseload. Specially-trained mediators offer parties the option of voluntary mediation early in the process. The mediation process is generally concluded within three to six months of filing a complaint. This year, 51% of the Commission cases were resolved as a result of mediation services, as well as more traditional settlement techniques such as conciliation.

The Commission also met its public performance measures for mediation set out in the Ministry's 2000-2001 business plan. Last year, it committed to achieve a 65% settlement rate at the mediation stage. This year, it surpassed that goal with a rate of 73.2%.

The success of the voluntary mediation program has reduced the number of complaints that proceed to the investigation stage. Over the past several years,

the inventory of cases being investigated has been steadily dropping from 1,780 at March 31, 1998 to 631 as at March 31, 2001. This has also enabled the Commission to focus its investigative resources on older cases, particularly those that have been active files for more than 12 months.

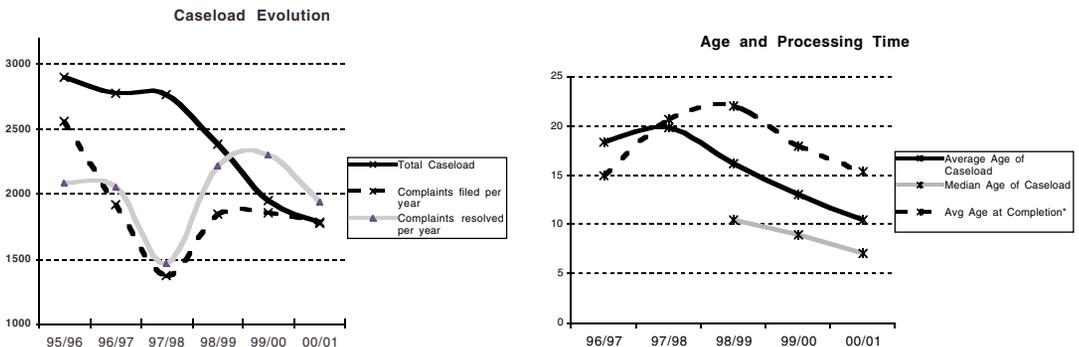
Last year, the Commission committed to resolve 80% of cases that were more than a year old by April 1, 2001. At the end of this fiscal year, on March 31, 2001, the Commission had resolved 572 of the 620 cases. This represents 92% of the target. By reducing the number of older cases in investigation, the average age of the caseload has been reduced to 10.4 months.

THE CASELOAD

During the 2000-2001 fiscal year, the Commission made significant strides in a number of areas including caseload management, timeliness in handling complaints and public education.

Once again this year, the Commission has resolved more cases than it opened. In 2000-2001, it opened 1,775 and resolved 1,941 cases. As at March 31, 2001, the Commission's active caseload was 1,781. A comparison with earlier figures of 2,745 on March 31, 1998, 2,386 on March 31, 1999 and 1,952 on March 31, 2000, demonstrates the consistent progress the Commission continues to make in this area.

The Commission also referred 73 complaints to the Board of Inquiry (Human Rights).



ACCOUNTABILITY FRAMEWORK

The Commission has presented its accountability framework in the last three annual reports. The framework establishes targets for the organization's performance in the coming year and reports on achievements against previously established targets.

The following is a summary of achievements against targets in the 2000-2001 fiscal year.

SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
Promotion and Awareness of Human Rights	Conduct one new public awareness campaign.	A new province-wide campaign was launched on human rights and breastfeeding, in partnership with Infant Feeding Action Coalition (INFACT) Canada and Toronto Public Health. The campaign was in several major urban centres on public transit vehicles.
	Implement Aboriginal Initiative.	The Ontario Federation of Indian Friendship Centres and Grand River Employment & Training completed Phase 1 of the <i>Aboriginal Human Rights Initiative</i> , which is designed to create and sustain an awareness of human rights in off-reserve Aboriginal communities and to enhance equality for Aboriginal persons in Ontario.
	Ensure international obligations are integrated into all new policy work.	International human rights standards integrated into new policy work on age, disability and pregnancy. Commented on Canada's reports under various international instruments.
	Launch policy initiative for CASHRA 2001	The human rights commissions of Ontario and Quebec co-launched the new policy and research group of the Canadian Association of Statutory Human Rights Agencies (CASHRA) and co-chaired the sub-committee on resolutions with respect to social and economic rights and social condition.

SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
	Enhance accessibility of publications through new series of 'one-pager' information sheets on all major areas of the <i>Code</i>	Completed and posted on the Commission's Web site on March 22, 2001.
	Achieve a satisfaction rate of 80% among participants for all public education activities.	86% satisfaction rates reported on a 5-point scale for 3 factors: quality of presenter or presentation, effectiveness of materials and usefulness of presentation.
	Launch new Web site that improves access, is easier to use and more client-focused.	New Web site launched on March 22, 2001.
POLICY	Release paper on Age Discrimination.	On May 31, 2000, the Commission released its Discussion Paper entitled <i>Discrimination and Age: Human Rights Issues Facing Older Persons in Ontario</i> .
	Conduct consultations and develop public policy document on Age Discrimination.	The Commission's Consultation Paper setting out policy directions was publicly released in September 2000 and consultations were held across the province in the Fall and Winter of 2000-2001.
	Release <i>Policy on Discrimination and Harassment because of Gender Identity</i>	Released June 21, 2000. Available on Web site and in print and alternative formats.
	Release consultation report on human rights issues in Insurance.	Consultation Report approved by Commission in June 2000.
	Revise <i>Guidelines for Assessing Accommodation Requirements for Persons with Disabilities</i> .	New <i>Policy and Guidelines on Disability and the Duty to Accommodate</i> released on March 22, 2001.
	Release report on survey of accessibility to transit vehicles.	<i>Discussion Paper on Accessible Transit Services in Ontario</i> released on February 19, 2001.

SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
	Conduct second policy dialogue	<p>Policy discussion on “Human Rights and Human Development” held in partnership with Community Development Network on March 21, 2001.</p> <p>Other significant policy achievements:</p> <p>During the fiscal year, the Commission also released the updated <i>Policy on Drug and Alcohol Testing</i> to reflect the recent Ontario Court of Appeal decision in <i>Entrop v. Imperial Oil</i> and its <i>Policy on Female Genital Mutilation</i> to reflect amendments to child protection legislation and the <i>Criminal Code</i>. Commission staff also prepared and released a research paper entitled: <i>Human Rights Commissions and Economic and Social Rights</i> (February 2001).</p> <p>Policy staff also undertook corporate responsibility for training on new policy work and for initiating a survey of accessibility in the Commission (See Corporate Initiatives).</p>
INQUIRY SERVICES	Average response time on calls handled by inquiry service representatives will be within 2 minutes.	Average response time was 3.4 minutes
INTAKE SERVICES	Draft complaints within 15-20 days.	Average time to draft a complaint was 28.6 days. Efforts to improve these times have resulted in the average time being decreased to 9.4 days in the fourth quarter of the fiscal year.
MEDIATION SERVICES	Achieve at least a 65% settlement rate in cases in which mediation has been attempted.	Settlement rate of 73% in cases in which mediation was attempted. This is comparable to last year’s rate of 74%.

SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
	Resolve a minimum of 1,300 cases through mediation services.	1,246 cases were resolved through mediation services.
INVESTIGATION SERVICES	Resolve 80% of cases over 2 years of age as at April 1, 2000.	572 of the 620 cases were resolved, or 92% of the target.
	Resolve a minimum of 850 cases through investigation services.	696 cases were resolved through investigation services, or 81% of the target.
	Reduce the median age of the caseload to below 9 months.	Median age of the caseload as at March 31, 2001 was 7 months.
	Decrease the average age of the caseload to 12 months.	Average age of the caseload on March 31 st , 2001 was 10.4 months.
CORPORATE INITIATIVES	Implement Quality Service Standards.	Quality Service Standards have been developed for each Branch.
	Develop training program on Public Education Techniques.	In light of the significance of the disability initiatives introduced this year, resources were reallocated to conduct a 2.5 day corporate training program on disability rights and the operational implications of the new <i>Policy and Guidelines on Disability and the Duty to Accommodate</i> .
	Initiate Accessibility Review of Commission services and employment practices for persons with disabilities.	Internal survey of accessibility in services of Commission was conducted. List of accessible services/measures will be posted on the Web. The Commission has upgraded its TTY capacity and launched a more accessible Web site.

The following are the Commission's public commitments for the 2001-2002 fiscal year.

SERVICE AREA	2001-2002 COMMITMENTS
Promotion and Awareness Of Human Rights	<p>Conduct one new public awareness campaign.</p> <p>Implement Phase 2 of the Aboriginal initiative.</p> <p>Achieve a satisfaction rate of 80% among participants for all public education activities.</p>
Policy	<p>Release Consultation Report on Age Discrimination.</p> <p>Develop workplace guides on disability issues in plain language in consultation with employers and employees and a separate plain language guide to inform people of their rights and responsibilities.</p> <p>Initiate consultations on disability in the education sector.</p> <p>Develop consultation report on transit accessibility.</p> <p>Ensure international obligations are integrated into all new policy work.</p>
Inquiry and Intake Services	<p>Average response time on calls handled by inquiry service representatives will be within 2.5 minutes.</p> <p>Draft complaints within 15-20 days.</p>
Mediation and Investigation Services	<p>Achieve at least a 65% settlement rate in cases in which mediation has been attempted.</p> <p>Once parties have agreed to mediation, the mediation will be completed within 3 to 6 months.</p> <p>The average time required to resolve a complaint, from filing to closing, will be reduced from 15.4 months to under 14 months.</p>
Corporate Initiatives	<p>Begin implementation of corporate Strategic Plan 2001-2003.</p>

LIST OF COMMISSIONERS



KEITH C. NORTON, Q.C., B.A., LL.B.

Chief Commissioner

Keith Norton was appointed Chief Commissioner of the Ontario Human Rights Commission on July 18, 1996. He is an educator and a lawyer by training, having studied law at Queen's University in Kingston, as well as having received a diploma in education from the Ontario College of Education. He practiced criminal and family law in Kingston, Ontario, and taught at the secondary and post-secondary levels.

Mr. Norton is a former Minister of Community and Social Services and served as Parliamentary Assistant to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. He has also served as Minister of Health, Minister of Education and Minister of Colleges and Universities.

As Minister of the Environment between 1981 and 1983, Mr. Norton became the first Canadian cabinet minister to testify before a Committee of the United States Senate. Throughout his career, Mr. Norton has championed issues related to persons with disabilities, senior citizens and the disadvantaged. He has also been involved in a number of business ventures.

Mr. Norton is a former President of the Canadian Human Rights Tribunal.



CHERYL BLONDELL

Cheryl Blondell was appointed to the Commission in February 1997. She is an Assistant Crown Attorney in the Ministry of the Attorney General. She formerly served as Criminal Duty Counsel with the Ontario Legal Aid Plan, where she advised and represented accused persons. Ms. Blondell worked for the Commission in the summer of 1989 as part of the team that created the Systemic Investigations Unit.



The Revd Fr. WILLIAM G. CLIFF

Fr. Cliff was appointed to the Commission in February 1997. He is the Rector of St. John the Evangelist Church in Strathroy in the Diocese of Huron. He is a former member of the University of Western Ontario Senate, a Padre with the Royal Canadian Legion and a member of the Anglican Roman Relations Committee of the Diocese of Huron. A former Chaplain Intern at St. Joseph's Health Centre, London, he was trained at King's College and Huron College at the University of Western Ontario and has served congregations in London,

Simcoe, Hanover and Durham, Ontario.



RICHARD MILES

Before his appointment to the Commission in July 1992, Richard Miles held senior administrative positions with the Ministry of Community and Social Services, the Federal Secretariat for Disabled Persons Office, and the Handicapped Action Group Incorporated in Thunder Bay. Mr. Miles was appointed by the Minister of Citizenship, Culture & Recreation to the task force, which conducted a procedural review of the Ontario Human Rights Commission.



MARNIE PAIKIN, CM

Marnie Paikin was appointed to the Commission in September 1996. She is a past President of the Canadian Council of Christians and Jews, and a recipient of the Province of Ontario's "Outstanding Woman Award" and of the Human Relations Award of the Canadian Council of Christians and Jews. She has been inducted into the Hamilton Gallery of Distinction and has been appointed a Member of the Order of Canada. Ms. Paikin is currently a Director of Atomic Energy of Canada Ltd. and of Westcoast Energy Inc.



PETER LI

Peter Li is the General Manager of Sing Tao Daily News, Eastern Edition. Mr. Li was appointed to the Commission in September 1997. He is a member of the Chinese Canadian Development Committee of the Hospital for Sick Children Foundation and sits on the Asian Business Committee of Metro Toronto and York Region's Junior Achievement. Mr. Li was a member of Canada Trust's Asian Advisory Council. He has also served as a Director of the Chinese Information and Community Services and was a past Vice-President of the Chinese Canadian

Advertising, Media and Marketing Association. Mr. Li is a former General Manager of Hotel Victoria and Project Administrator of the Chinatown Centre.



NALIN KANUCK

Nalin Kanuck was appointed to the Commission in September 1997. He is a Management and Financial Consultant. He is also an advisor on Race Relations to the York Region Board of Education. Mr. Kanuck is a former Justice of the Peace in Sri Lanka, a position that required him, among other judicial functions, to investigate human rights violations. He was also Chairman and Managing Director of the Regional Development Board in the Ministry of Regional Development in Sri Lanka. He also functioned as a Director of the National

Youth Service Council in Sri Lanka's Prime Minister's Office. Mr. Kanuck has a Bachelor of Arts Degree from the University of Ceylon and an Executive Diploma in Public Administration from the

University of Colombo, Sri Lanka. The City University of California also awarded him an Honorary Doctorate Degree in Public Administration. He is a graduate of the Canadian Institute of Certified Administrative Managers and a Fellow of the British Institute of Management, England.



MICHEL LALONDE

Michel Lalonde is Reeve of the East Hawkesbury municipal council, having served over the last 20 years as Councillor and as Deputy Reeve. He was appointed to the Commission in December 1997. In 1993, Mr. Lalonde served as Warden of the Council for the United Counties of Prescott and Russell. He was subsequently elected to the Council's executive, planning and public works committees. He received the Award of Merit for the County of Prescott for the year 1985 and also served as President of the Prescott Mutual

Insurance Board and of the Hawkesbury and District General Hospital Board. A farmer by occupation, Mr. Lalonde is an active participant in the local farming community. He served from 1989 to 1996 on the board of directors of the Glengarry, Prescott and Russell Local Agricultural Employment Board and as President of the Prescott Peer Review Committee for Environmental Farm Plan from 1993 to 1997.



CLAUDETTE ROBINSON

Claudette Robinson was appointed to the Commission in March 1998. She studied at the University of Ottawa and McMaster University. Ms. Robinson is the French Coordinator at Sheridan College and a language consultant for corporate clients. She has co-authored a series of French readers for elementary and secondary schools. She was the author and co-author of three national French television series for TVO educational programs one of which she hosted. She has been consultant for the Halton Board of Education, has

taught at the University of Ottawa summer school and has been Principal of the Teaching French as a Second Language course for the Ministry of Education.



ABDUL HAI PATEL

Abdul Hai Patel was appointed to the Commission in April 1999. Mr. Patel received his primary education in India, secondary education in Barbados and post-secondary education at York University. He is currently employed with Ontario Hydro as a Systems Technical Specialist.

Mr. Patel is a recipient of the Canada 125 commemorative medal from the Governor General for Community Service. He is a recipient of the Volunteer Service Award from the Ministry of Citizenship, Culture and Recreation, a member of the South & West Asian consultative committee of the Toronto Police, and a coordinator of the Islamic Coordinating Council of Imams-Canada. Mr. Patel is also the Vice-Chair of the Association of Employees for Employment Equity in Ontario Hydro and serves

as a member of the Provincial Committee of Power Workers Union on Employment Equity and Diversity.



CHRISTIANE RABIER

Christiane Rabier was appointed to the Commission in April 1999. Ms. Rabier received her PhD from the University of Nice-Sophia-Antipolis; she received her Masters from the University of Montreal and studied public law at the University of Montpellier in France. She is currently Chair of the Department of Political Science and Vice-Dean of Social Sciences and Humanities at Laurentian University in Sudbury.

Ms. Rabier is active within the francophone community in Sudbury and has worked on a program for francophone women to attend post secondary studies, as well as served as a consultant with TV Ontario on Continuing Education. She also served as a volunteer with Canada's Special Olympics in 1998 and Operation Red Nose in 1999.



JUDITH-ANN MANNING

Judith Ann-Manning was appointed to the Commission in February 2000. Ms. Manning is an Accessible Services Planner/Barrier-Free Consultant. She majored in Criminology and Law at the University of Toronto. She currently is the Co-ordinator of the University of Toronto's Wheelchair Access Committee and has held the position of Chair of the North York Advisory Committee For Persons With Disabilities, co-Chair of the Board of Directors of the Centre for Equality Rights in Accommodation, and vice-Chair of the

Toronto Transit Commission's Advisory Committee on Accessible Transportation. Ms. Manning also volunteers at the Sunnybrook Health Science Centre in the annual Run for Research.

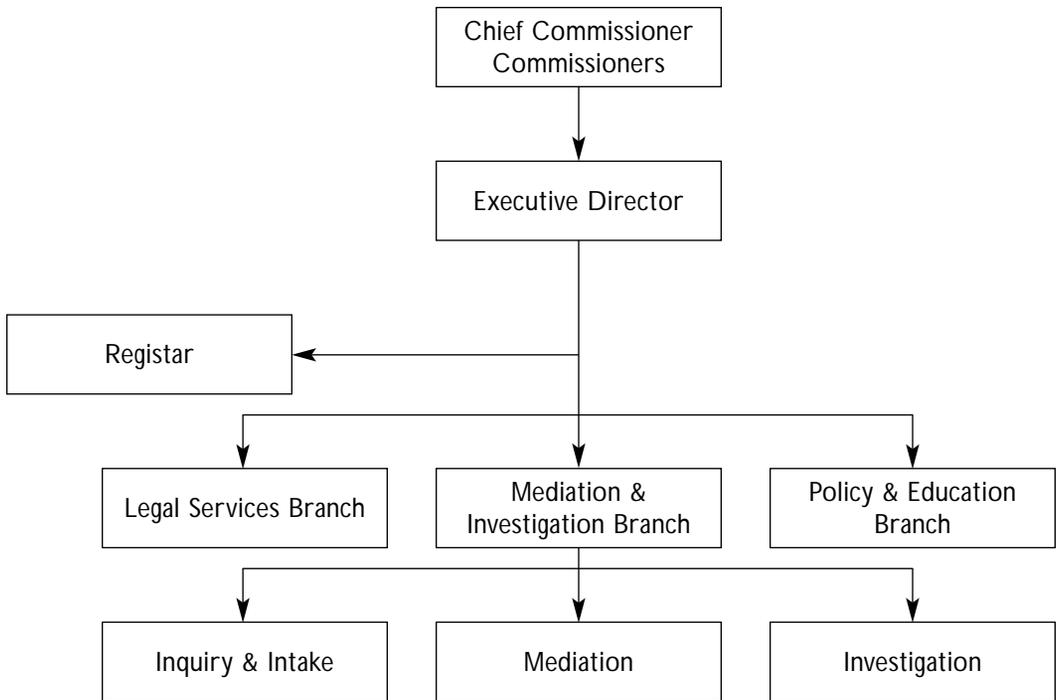


MAE RADFORD

Mae Radford was appointed to the Commission in April 1999. Ms. Radford received a diploma in nursing from the Toronto Western Hospital and a Bachelor of Arts in health administration from York University. She is currently the manager of volunteer services, overseeing operations of a team of 1700 volunteers who deliver friendly visiting, palliative care volunteer visiting, transportation, and Meals on Wheels for the VON Hamilton-Wentworth.

Ms. Radford is a member of the Coalition of Community Health and Support Services, which advocates for community-based health care. She is a member of the Ontario Community Support Association and the Chair of District B. Ms. Radford is the vice-chair of the Citizen Committee for Violence Against Women for the City of Burlington.

ORGANIZATIONAL CHART



BRANCH DESCRIPTIONS

Office of the Chief Commissioner

The **Office of the Chief Commissioner** provides leadership and guides the Commission in carrying out its statutory functions in a way that ensures that, at both the government and community levels, human rights are protected in the province. The Chief Commissioner and Commissioners set policy direction and make decisions about complaints relating to the *Code*.

Office of the Executive Director

The **Office of the Executive Director** provides leadership and direction to senior management staff of the Commission in carrying out its statutory mandate; directs the development and implementation of corporate and operational plans; and leads the planning and implementation of ongoing organizational improvement initiatives within the Commission. The Registrar's Office, attached to the Office of the Executive Director, is responsible for processing Reconsideration requests, co-ordinating all functions related to Commission and Panel Meetings, and Freedom of Information and Ombudsman issues.

Mediation and Investigation Branch

The **Mediation and Investigation Branch** handles all the enforcement functions of the Ontario Human Rights Commission.

The public's first contact with the Commission is through the centralized Inquiry and Intake Unit. This office handles all inquiries and drafts complaints from across the province. The Mediation Office provides mediation services as well as processing Section 34 requests which gives the Commission discretion not to deal with a complaint, if it could have been resolved elsewhere, is filed in bad faith, is out of time or is outside the Commission's legal authority. The Investigation Office undertakes investigation and conciliation of complaints.

The Branch also develops multi-year strategies to effectively manage the Commission's caseload and procedures for the mediation and investigation of complaints. In addition, the Branch assists in carrying out the Commission's public education mandate.

Policy and Education Branch

The **Policy and Education Branch** provides leadership and direction for the promotion and advancement of human rights and supports the enforcement of the *Code*.

The Branch ensures the promotion of human rights through compliance with the *Code* and with international human rights obligations. This includes the development of public policy statements, formal guidelines and research on a broad range of human rights and social justice issues. The Branch is responsible for national and international liaison, issues management, media and stakeholder relations, the Web site and publications. It also conducts public consultations and focus groups and represents the Commission on intergovernmental task forces and delegations.

The Branch is responsible for the strategic planning function for public education and communications at a corporate level and for implementing a wide range of educational programs and partnership initiatives, such as public awareness campaigns, presentations, workshops and conferences. The Branch also provides communications and policy support to the Offices of the Chief Commissioner and the Executive Director.

Legal Services Branch

The **Legal Services Branch** assists the Commission in fulfilling all aspects of its mandate, including compliance, public education and litigation. Its activities include providing legal advice to senior management, Mediation and Investigation managers and officers concerning investigation and conciliation of cases, providing legal opinions requested by the Commission, and serving as legal counsel to the Commission before the Board of Inquiry and the courts (on matters of judicial review and appeals).

LIST OF PUBLICATIONS

	Publications Ontario	Web Site
Plain Language Documents		
Female Genital Mutilation: Questions and Answers (available in English/French, Arabic/Somali, Swahili/Amharic) (8/99)		✓
Guide to the Human Rights Code (5/99)	✓	✓
Guide to Mediation Services (5/97)		✓
Hiring? A Human Rights Guide (3/99)	✓	✓
Human Rights at Work (9/99)	✓	✓
Human Rights in Ontario (available in English/French; Bengali/Urdu; Hindi/Punjabi; Gujarati/Tamil) (7/00)	✓	
If You Have a Human Rights Complaint – A Complainant’s Guide (5/97)		✓
If You Receive a Human Rights Complaint – A Respondent’s Guide (9/99)		✓
Pregnancy – Before, During and After: Know Your Rights (5/99)	✓	✓
Protecting Religious Rights (1/00)	✓	✓
Racial Slurs and Harassment and Racial Jokes (6/96)		✓
Sexual Harassment and Other Comments or Actions About a Person’s Sex (11/96)		✓
Policies and Guidelines		
Guidelines on Special Programs (11/97)		✓
Human Rights Policy in Ontario (All policies published before 1999) (12/99)	✓	
Policy and Guidelines on Disability and the Duty to Accommodate (11/00)		✓
Policy on Creed and The Accommodation of Religious Observances (10/96)		✓
Policy on Discrimination and Harassment Because of Gender Identity (3/00)		✓
Policy on Discrimination and Harassment Because of Sexual Orientation (1/00)		✓
Policy on Discrimination and Language (6/96)		✓
Policy on Discrimination Because of Pregnancy (5/99)		✓
Policy on Drug and Alcohol Testing (9/00)		✓
Policy on Employment-Related Medical Information (6/96)		✓
Policy on Female Genital Mutilation (FGM) (11/00)		✓
Policy on Height and Weight Requirements (6/96)		✓
Policy on HIV/AIDS Related Discrimination (11/96)		✓
Policy on Racial Slurs & Harassment & Racial Jokes (6/96)		✓
Policy on Requiring a Driver’s Licence as a Condition of Employment (5/96)		✓
Policy on Scholarships and Awards (7/97)		✓
Policy on Sexual Harassment & Inappropriate Gender-Related Comment and Conduct (9/96)		✓
Other Publications Annual Report	✓	✓
Developing Procedures to Resolve Human Rights Complaints Within your Organization (6/96)		✓
Human Rights Code	✓	✓
Human Rights Code Card (11” x 17”)		<i>Contact the Commission</i>
Mediation Services Participant Satisfaction Report (9/99)		<i>Contact the Commission</i>

LIST OF PUBLIC EDUCATION ACTIVITIES (2000 - 2001)

Business/Legal

Auctioneers' Association of Ontario
 Canadian Bar Association of Ontario
 Canadian Tire
 Corporate Equal Opportunity Group
 (Conference)
 Diversity Update 2001 (Conference)
 Fasken Martineau DuMoulin LLP
 Federation of Canadian Electrolysis
 Associations – Ontario Chapter
 Human Resources Professionals Association
 of Ontario (HRPAO)
 HRPAO – Halton Chapter
 HRPAO – Kingston Chapter
 HRPAO Chapter Presidents
 Lancaster Publishing (Conference)
 McDonald's Restaurants of Canada
 North Bay & District Chamber of
 Commerce
 Ontario Federation of Labour
 PolyFab
 Renters News/Auto Trader
 Shibley Righton LLP
 Versa Care Centre (Hamilton)
 Wellsizing Conference

Community

Ajax Multicultural Festival
 Association française des municipalités de
 l'Ontario
 Canadian Lesbian & Gay Archives
 Community Development Network
 Co-ordinators' Association of Southwestern
 Ontario
 Council on American-Islamic Relations
 INFACT Canada

JobsMARKET for Persons with Disabilities
 Mississauga Rotary Club
 Ontario Association for Community Living
 Parents partenaires en éducation
 PRIDE 2000
 Tamil Anti-Racism Committee
 Toronto Employment Equity Practitioners'
 Association
 TGStation Toronto Arts Council
 United Way of Greater Toronto
 Volunteer Centre of Toronto
 Xpressions

Education

Association des enseignantes et des
 enseignants franco-ontariens
 Association franco-ontarienne des conseils
 scolaires catholiques
 Cité collégiale
 City of Vaughan Youth Advisory Council
 Community Health Forum – Humber
 College
 Conseil des écoles catholiques de langue
 française du Centre-Est
 Don Bosco Catholic Secondary School
 George Brown College – St. James Campus
 Georgian College, Business Administration
 Program
 Kenton Adult Learning Centre
 LINC-Ellesmere Toronto District School
 Board
 Loyalist College Monsignor John Pereyma
 Catholic Secondary School
 Ontario Institute for Studies in Education
 (OISE)
 Ontario Business Educators Association

Peel District School Board – Custodial Services

Public Administration Program: Humber College

R.S. McLaughlin Collegiate

Seneca College – Legal & Public Administration

Sheridan College – Architectural Program

St. Matthew Catholic School (Markham)

University of Toronto – Faculty of Law

University of Ottawa – Faculty of Law

University of Toronto Law Teacher's Qualifying Course

Woburn Collegiate Institute (Toronto)

York Centre for Feminist Research

York Region District School Board – Principals' Conference

York University Faculty of Education

International

Center for Research-Action on Race Relations

Delegate from Norway – Heidi Venner

Federation of the Disabled People of Jiangsu Province

International Institute for Public Ethics

Malawi Human Rights Commission

Ugandan Human Rights Commission, Mr. Hudson Anika

Northern Ireland Human Rights Commission

Government of Israel: Rachel Benziman
Government of Thailand

The Ombudsman of the Republic of Korea

Public Sector

Corporation of the Municipality of Clarington

Grey Bruce Health Services

Kingston Psychiatric Hospital

London Health Sciences Centre

Ministry of Finance

North York Community Care Access Centre

Para-Med Home Health Services

Regional Municipality of Halton

St. Joseph's Health Centre

Workplace Safety & Insurance Board

**Table 1: New Complaints Filed by Social Area and Grounds Cited
Total Number of Complaints Filed: 1,775**

Accommodation	34	16	3	13	8	2	8	6	29	70	25			8	4	11	1	13	251	135	8%																					
Contracts				1						6									7	7	0																					
Employment	498	224	48	606	204	33	123	26	65	517	1	2	8	217	126	13	4	144	2859	1335	75%																					
Services	118	62	20	41	5	13	21	9	7	133			1	3	37	11	3	52	536	268	15%																					
Vocational Associations	24	12	1	10		2	7			6				3	6	1		3	75	30	2%																					
Total:	674	314	72	671	217	50	159	41	101	732	26	2	9	231	173	36	8	212	3728	1775	100%																					
Percent of Ground Cited	18%	8%	2%	18%	6%	1%	4%	1%	3%	20%	1%	0	0	6%	5%	1%	0	6%	100%																							
Percent of Total Complaints Filed	38%	18%	4%	38%	12%	2%	9%	2%	6%	41%	2%	0	0	13%	10%	2%	0	12%	*																							
		Race & Colour		Ethnic Origin		Creed		Sex & Pregnancy		Sexual Harassment		Sexual Orientation		Age		Marital Status		Family Status		Handicap		Public Assistance		Record of Offence		Breach of Settlement		Reprisal		Ancestry		Association		Citizenship		Place of Origin		Sum of Categories		Total Complaints Per Social Area		Percentage of all complaints

* Note: Because complaints can involve multiple grounds, the sum by grounds exceeds the total for all complaints filed, and the corresponding percentages of total complaints exceed 100%.

Table 2: Settlements by Ground in Cases Mediated

Age	\$ 72,550.00	20	\$ 3,627.50
Ancestry	\$ 171,963.00	26	\$ 6,613.96
Association	\$ 2,400.00	2	\$ 1,200.00
Breach of Settlement	\$ 1,000.00	1	\$ 1,000.00
Creed	\$ 61,545.00	10	\$ 6,154.50
Ethnic Origin	\$ 346,800.50	45	\$ 7,706.68
Family Status	\$ 114,203.00	24	\$ 4,758.46
Handicap	\$ 1,474,381.09	143	\$ 10,310.36
Marital Status	\$ 58,450.00	10	\$ 5,845.00
Place of Origin	\$ 108,860.50	19	\$ 5,729.50
Public Assistance	\$ 6,750.00	4	\$ 1,687.50
Race & Colour	\$ 769,803.50	101	\$ 7,621.82
Reprisal	\$ 290,019.00	52	\$ 5,577.29
Sex & Pregnancy	\$ 825,904.59	145	\$ 5,695.89
Sexual Harassment	\$ 38,950.00	9	\$ 4,327.78
Sexual Orientation	\$ 16,600.00	6	\$ 2,766.67
Total for all grounds*	\$ 4,360,180.18	617	\$ 7,066.74
	Monetary Damages	Number Receiving Damages	Average

* Note: Because complaints can involve multiple grounds, the total sum of monetary damages by ground exceeds the sum of monetary damages by complaints (\$1,688,538.63).

Table 3: Complaints Closed by Disposition and Grounds
Total Number of Complaints Closed: 1,941

Dismissed	20	27	6	3	4	12	46	11	64	8	37	2	116		22	76	5	12	471	245	13%
Failure to provide Evidence	1	13	1		3	2	19	5	17	3	7	3	35		6	12	1	1	129	53	3%
Not Dealt With (Sec. 34)	34	35	3		3	9	48	20	172	16	38	1	124	2	27	71	6	3	612	351	18%
Referred to Board of Inquiry	14	6	9	1	2	2	4	14	26		6		18		8	28	3	1	142	73	4%
Resolved	20	13	2	5	2	7	36	9	112	6	27	1	74		15	92	14	7	442	265	14%
Settled	51	58	4	3	1	25	93	41	288	17	55	8	206		71	282	58	20	1,281	727	37%
Withdrawn	22	25			4	7	39	9	92	5	28	3	81		21	82	16	6	440	227	11%
Total:	162	177	25	12	19	64	285	109	771	55	198	18	654	2	170	643	103	50	3,517	1,941	100%
Percentage	5%	5%	1%	0	0	2%	8%	3%	22%	2%	6%	0	19%	0	5%	18%	3%	1%	100%		
	Age	Ancestry	Association	Breach of Settlement	Citizenship	Creed	Ethnic Origin	Family Status	Handicap	Marital Status	Place of Origin	Public Assistance	Race & Colour	Record of Offence	Reprisal	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Sum of Categories	Total for All Complaints	Percentage of all Complaints

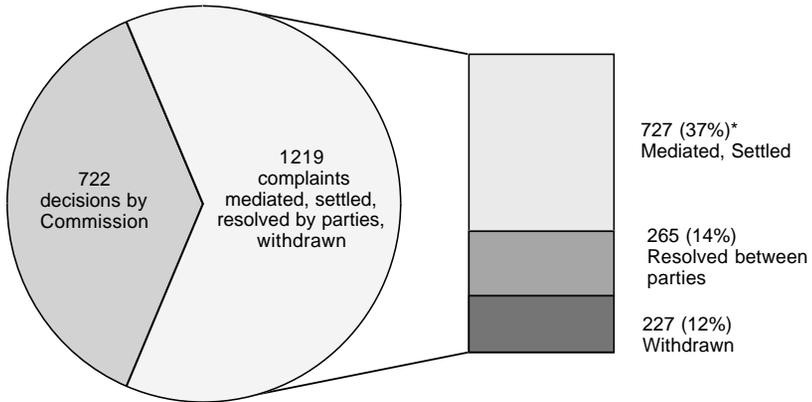
Note: Because complaints can involve multiple grounds, the sum by grounds exceeds the total for all complaints filed.

Table 4: Complaints Closed by Disposition and Social Area
Total Number of Complaints Closed: 1,941

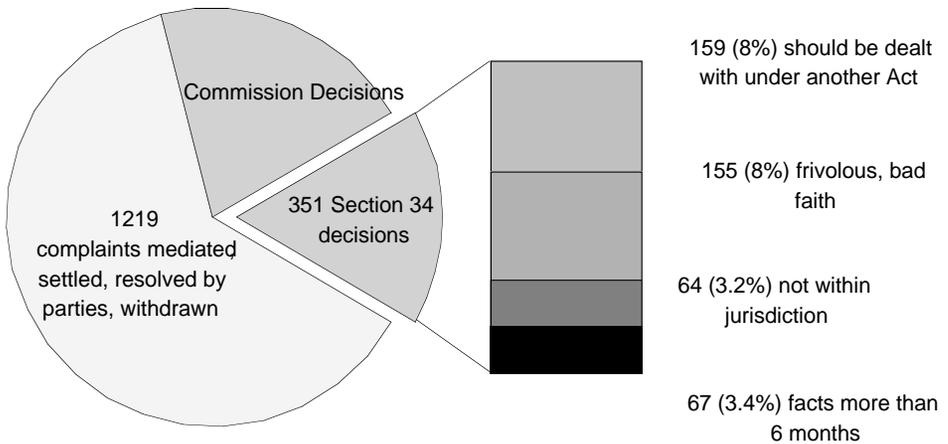
Dismissed	12	4	168	57	4	245	245	13%
Failure to provide Evidence	11		40	9		60	53	3%
Not Dealt With (Section 34)	12	1	222	100	16	351	351	18%
Referred to Board of Inquiry	10		52	10	1	73	73	4%
Resolved	17		215	31	2	265	265	14%
Settled	43	1	615	66	2	727	727	37%
Withdrawn	19		183	22	3	227	227	11%
Total	124	6	1,495	295	28	1,948	1,941	100%
Percentage	6%	0.5%	77%	15%	1.5%	100%		
	Accommodation	Contracts	Employment	Services	Vocational Association	Sum of Categories	Total for All Complaints	Percentage of all Complaints

Note: Because complaints can involve multiple grounds, the sum by grounds exceeds the total for all complaints closed.

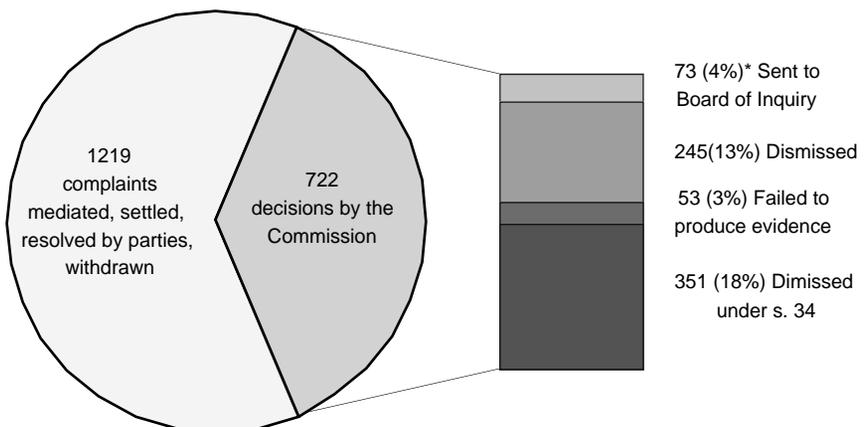
Resolved Cases: Details on Settlements



Breakdown of Commission Decisions: Section 34



Breakdown of Commission Decisions



BOARD OF INQUIRY DECISIONS AND SETTLEMENTS

Decisions

Age

Vander Schaaf v. M & R Property Management Ltd. et al.

Ethnic Origin

Jeppesen v. Corp. of the Town of Ancaster Fire & Emergency Services et al.

Handicap

Brock v. Tarrant Film Factory Ltd. et al.

Hodge v. District of Halton and Mississauga Ambulance Service

Shepherd v. Deluxe Toronto Ltd., Film House et al.

Moffatt v. Kinark Child & Family Services et al.

Jeppesen v. Corp. of the Town of Ancaster Fire & Emergency Services et al.

Marital Status

Vander Schaaf v. M & R Property Management Ltd. et al.

Place of Origin

Duong v. Langstaff Auto Repairs et al.

Sex

Curling v. The Torimiro Corp. et al.

Vander Schaaf v. M & R Property Management Ltd. et al.

Anderson & O'Neill v. The YMCA of Barrie

Sexual Harassment

Curling v. The Torimiro Corp. et al.

Sexual Orientation

Moffatt v. Kinark Child & Family Services et al.

Sexual Solicitation

Curling v. The Torimiro Corp. et al.

Settlements

Age

Martinex v. Amodeo Produce et al.

Ancestry

Chan v. Ontario Power Generation Inc. et al.

Martinex v. Amodeo Produce et al.

Colour

Chan v. Ontario Power Generation Inc. et al.

Creed

Martinex v. Amodeo Produce et al.

Ethnic Origin

Chan v. Ontario Power Generation Inc. et al.

Omotayo v. Walsh & Associates Advertising Inc. et al.

Family Status

Chartrand v. Dryden Native Friendship Centre et al.

Handicap

Tuck v. Baker

Duval v. Spectrum Leather Finishing Ltd. et al.

Farah v. Alladin Juice Bar & Restaurant et al.

Lacz v. Crangle's Garage Ltd. et al.

McCormack v. Upak Disposals (1989) Ltd. et al.

Wicks v. Vuteq Industries et al.

Dooley v. Econome Inc. et al.

Race

Chan v. Ontario Power Generation Inc. et al.

Omotayo v. Walsh & Associates Advertising Inc. et al.

Reprisal

Habkirk v. Filet of Sole Sea Grill Ltd. et al.

Sex

Beaudoin v. K.L. Sports Locker et al.
Chan v. Ontario Power Generation Inc. et al.
Larrow v. Ashley's Optical, cob Bargain Optical et al.
Spinks v. The Travel Counter et al.
Goutziouslis v. National Security Technologies Inc. et al.
Gross v. Mipps Systems Solutions Inc. et al.
Kiczula v. Photo Menue Signs Inc. et al.

Sexual Harassment

Beaudoin v. K.L. Sports Locker et al.
Larrow v. Ashley's Optical cob Bargain Optical et al.
Spinks v. The Travel Counter et al.
Gross v. Mipps Systems Solutions Inc. et al.
Kiczula v. Photo Menu Signs Ltd. et al.

Sexual Orientation

Habkirk v. Filet of Sole Sea Grill Ltd. et al.

Sexual Solicitation

Gross v. Mipps Systems Solutions Inc. et al
Goutziouslis v. National Security Technologies Inc. et al.
Kiczula v. Photo Menu Signs Ltd. et al.

Divisional Court (Judicial Review)

Age

Brown & Dargewitz v. Ministry of Health

Creed

Speaker of the Legislative Assembly of Ontario v. OHRC

Handicap

OHRC v. Dofasco Inc., Jeffrey et al.
Borland v. OHRC, Oxford County Board of Education.

Race

Odia v. OHRC
Payne v. OHRC, Otsuka Pharmaceutical Co. Ltd. et al.
Pieters v. OHRC et al.
Liao v. OHRC, University of Toronto et al.

Divisional Court (Appeal)

Age, Sex

OHRC, Kearney, J.L., Luis v. The Shelter Corp. et al.

Sexual Harassment, Handicap, Family Status

OHRC v. The Legislative Assembly et al.

Sexual Harassment

Thomas v. OHRC, Midas Canada Inc.

Court of Appeal

Handicap

Imperial Oil Ltd. v. OHRC, Entrop et al.
McKenzie Forest Products Inc. v. OHRC, Tilberg et al.

Family Status, Marital Status

OHRC v. Mr. A and Mr. B, Mr. C & D. Ltd.

Race

Payne v. OHRC

Sexual Harassment

Thomas v. OHRC, Midas Canada Inc.

Leave to Appeal to CA dismissed:**Race***Lee v. OHRC, Toronto Hydro***Supreme Court of Canada****Sexual Harassment***BCHRC et al. v. Blencoe, OHRC et al.***Leave to Appeal to SCC dismissed:****Creed***Jazairi v. OHRC, York University et al.***Handicap***McKenzie Forest Products Inc. v. Tilberg, OHRC et al.***Race***Liao v. OHRC, University of Toronto et al.**Payne v. OHRC, Otsuka Pharmaceutical Co. Ltd. et al.**Robertson v. OHRC, Maple Leaf Foods Inc.*

**ONTARIO HUMAN RIGHTS COMMISSION
2000-2001 ACTUAL YEAR-END FINANCIAL
POSITION (\$'000)**

	2000-01 Printed Estimates	Year-End Budget Adjustments	Revised Budget Mar. 31, 2001	Actual Expenditure Mar. 31, 2001	\$	2000-2001 Year-End Variance % of Revised Budget(11,650.3)
SALARIES & WAGES	7,649.9	320.4	7,970.3	6,740.5	1,229.8	10.6
EMPLOYEE BENEFITS	1,428.1	164.0	1,592.1	1,437.1	155.0	1.3
OTHER DIRECT OPERATING EXPENSES (ODOE)	2,087.9		2,087.9	3,397.0	(1,309.1)	(11.2)
	11,165.9	484.4	11,650.3	11,574.6	75.7	0.6

Note: The OHRC 2000-01 budget, with Management Board approval, increased by \$484.4 at year-end (to fund Labour Adjustment Costs \$249.7 and salary awards \$234.7).